

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KEVIN C. NEAL

v.

UNITED STATES OF AMERICA

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No. 3:11-01176
JUDGE CAMPBELL


ORDER

Pending before the Court are the Petitioner's Motion (Docket Nos. 1, 2) to vacate filed under 28 U.S.C. § 2255, the Government's Motion To Dismiss Petitioner's Petition Pursuant to 28 U.S.C. § 2255 (Docket No. 11), and the Petitioner's Objection To The Government's Motion To Dismiss (Docket No. 19).

For the reasons set forth in the accompanying Memorandum, the Court GRANTS the Government's Motion To Dismiss (Docket No. 11), and DENIES Petitioner's Motion To Vacate (Docket Nos. 1, 2). Accordingly, this action is DISMISSED.

Should the Petitioner give timely notice of an appeal from this Memorandum and Order, such notice shall be treated as a application for a certificate of appealability, 28 U.S.C. 2253(c), which will not issue because the Petitioner has failed to make a substantial showing of the denial of a constitutional right. Castro v. United States, 310 F.3d 900 (6th Cir. 2002).

It is so ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE